

Exhibit K

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Sent: vendredi 10 juillet 2009 20:11

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Subject: Call for comments -- Google Books Settlement

Dear colleagues

For your advance information, we attach a copy for the call for comments/hearing relating to the Google Books Settlement.

In light of a recent conversation with Antoine Aubert, the emphasis of the exercise is now on the collection of written submissions by 31 July 2009.

A hearing will still be held on 7 September. We realise that this date is not very convenient for everyone. Unfortunately, we have no adequate venue at any other date in the first half of September. We still hope that participants from the US can make the date.

In any event, we would really appreciate your written views on the Settlement.

The official invitation will be sent next week.

Kind regards

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Head of unit - Copyright

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<<GOOGLE BOOK SETTLEMENT v7.doc>>

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GOOGLE BOOK SETTLEMENT
CALL FOR COMMENTS
AND
PUBLIC HEARING

The European Commission intends to draw up its provisional conclusions on the effect of the Google Book Settlement (the "Settlement") on the European publishing sector, European authors, European consumers and society at large.

Call for Comments

In order to consolidate the fact-finding carried out so far, the Commission invites all interested stakeholders to submit views and comments on the Google Book Settlement.

The Commission is seeking stakeholders' views on the implications, consequences as well as benefits of the Google Book Settlement. In particular, the following issues should be addressed: (1) the scope of the settlement, (2) the amount of European works covered by the settlement, (3) the role of the Books Rights Registry (the "Registry"), (4) the notion of "commercial availability" and (5) issues of consumer access to the new services offered under the Settlement.

Scope of the settlement

The Commission is seeking precise details on the exact scope of the settlement.

The quantity and status of European works covered by the Settlement

The Commission seeks to ascertain how many European works or publications will potentially be affected by the Settlement.

The Registry

The Commission also seeks views to what extent and under what conditions the Registry can license third parties.

The notion of "commercial availability"

If a book is designated as "Commercially Available" then Google will not be authorized to make any "Display Uses" of the book unless a rightsholder of the book gives express permission to do so. If a book is designated as not "Commercially Available", then Google will be able to make all "Display Uses" of the book unless a rightsholder of the book instructs Google to exclude the book from one or more Display Uses.

The Settlement makes an essential distinction between books that are Commercially Available and those that are not. In these circumstances, it is of interest to clarify how:

- ☞ The specific provisions on default exclusion of commercially available (generally, in-print) books in the display use affect European works and European right-holders.
- ☞ The default inclusion of commercially unavailable (generally, out-of-print) books in the display uses affect European works and European right-holders.

Consumer issues

The Commission seeks the views on how the proposed Google services offered on the basis of the Settlement could potentially benefit European consumers, researchers and the public at large.

All stakeholders are invited to comment on the above-mentioned issues. Answers and comments, which may cover all or only a limited number of the above issues, should reach the following address by 31 July 2009:

markt-d1@ec.europa.eu

If stakeholders wish to submit confidential responses, they should indicate clearly which part of their submission is confidential and should not be published on the Commission's website. All other submissions, not clearly marked as confidential, may be published by the Commission.

Public Hearing

In follow-up to the call for comments, the Commission also intends to organise a public hearing on the Settlement to be held on **7 September 2009** at the Albert Borschette Centre, 36 rue Froissart, 1049 Brussels.

Registrations for the hearing should reach the following address by **31 July 2009**:

markt-d1@ec.europa.eu

The maximum number of participants is limited to 80. Therefore, registrations will be accepted in the order in which they are received although priority will be given to those with a direct interest in the Settlement. Confirmation of registration and details of the venue will be sent at least one week prior to the scheduled date.

Upon registration, each participant should indicate the topic which they wish to address among the ones outlined above. On this basis, the Commission services will draw up a speaker's list. Interventions should be limited to not more than 10 minutes per speaker.

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Dated: 10 July 2009